

**PATENT**  
Attorney Docket No.: ISIS - 10467  
Client Docket No.: DIBIS-0002US.P2

**REMARKS**

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Claims 14-15, 29-32 and 34-38 are pending in the present application. Claims 14 and 31 have been amended to recite that the identification of one or more bioagents in a sample includes comparison of the measured base composition with a collection of nineteen or more known base compositions. Support for this amendment is found throughout the specification as filed. For example, in Table 7, which is on page 35 of the application, there is a recitation of nineteen bioagents, and a recitation of three primer pairs that will hybridize with the conserved regions of these bioagents to generate a base composition. As seen in the table, the base compositions generated for each of the representative primer pair shown in the table are unique for nine, eight and five of the bioagents, respectively. Other tables showing more than nineteen bioagents and their unique base compositions generated using a primer pair are shown in the specification as well. For example, support can be found at Tables 2 and 6 in the specification at pages 30 and 33. Additionally, at page 34 lines 6-7 of the specification it states that the primer pairs will produce unique base composition signatures. Thus, Applicants respectfully submit that the amendments are fully supported by the specification. No new matter has been added.

Amendments to the specification are merely correcting word processing errors. No new matter is added. The paragraph at page 34 was amended to correctly state that the table showing further distinction of organisms via multiple primers is Table 7, not Table 6. The paragraph states that the additional primer pairs are shown in bold. Review of the specification reveals that it is Table 7, not Table 6 that shows the additional primer pairs. Applicants respectfully submit that no new matter has been introduced into the specification and request the entry of this amendment.

**Claim Rejections****Rejections under 35 USC § 112 first paragraph**

Claims 14-15, 29-32 and 34-38 were rejected under 35 U.S.C. §112 first paragraph as allegedly failing to comply with the written description requirement. Examiner supports this rejection by stating that the incorporation of a range of 8 in the

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comparison of calculated bioagents appears to be new matter. Applicants do not concede that the Examiner's argument is correct. Rather, in order to expedite prosecution of this case, Applicants have amended independent claims 14 and 31 to recite the identifying of one or more bioagents in a sample includes comparing calculated base composition data with a collection of nineteen or more known base compositions having eight or more unique base composition signatures. These elements are also included in the dependent claims. Thus, Applicants respectfully submit that claims 14-15, 29-32 and 34-38 do not present new matter, and request that this rejection is withdrawn.

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**Conclusions**

In view of the foregoing, Applicants submit that the claims of the instant application are in condition for allowance. The Examiner is invited to contact Applicants' undersigned representative if there should be any questions with regard to the claimed invention.

Respectfully submitted,



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Date: November 1, 2006

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